THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 13148 OF 1999

Dated 29th August 2007

Between:

Kullai Ramana & others

…Petitioners

and

The Divisional Forest Officer,
West Division), Chittoor District & others

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 13148 OF 1999

O R D E R:

An extent of about Acs.1000-00 of land in Survey No.6 of Devalakuppam of Avulapalli village, Chittoor District, is said to have been donated by Janab Syed Hussain, in favour of Bhoodan Yagna Board, some time in the year 1956. A Draft Notification, dated 16.9.1971, and a Final Notification, dated 2.10.1975, under Section 15 of the A.P. Bhoodan and Gramdan Act 1965 (for short "the Act"), were issued, in respect of those lands.

Petitioners claim to be landless poor persons in that area. According to them, they made applications for assignment of lands in their favour, and that they have started cultivation of small bits, to eke out their livelihood. They complain that the officials of the Forest Department are preventing them from cultivating the lands. They seek a writ of mandamus to declare the action of the respondents, in not allotting the lands to them and to other eligible landless poor, as illegal, arbitrary and unconstitutional, and seek direction, in this regard.

The 1st respondent filed a counter affidavit. It is stated that in respect of Acs.13,660-00 of land in Annemmagaripalle Forest Block, a notification under Section 4 of the A.P.Forest Act was published in G.O.Ms.No.2265, Agriculture Department, dated 30.10.1961, and thereafter, a proclamation under Section 6 of that Act was also issued. Steps for issuance of Final Notification, under Section 15 of the Act, are said to be in contemplation. It is alleged that the land in question is part of a Reserve Forest Block, and the petitioners cannot be permitted to cultivate the same.

The 3rd respondent, the Director, Survey and Settlement, filed a counter affidavit. He states that lands in Survey No.6, are correlated the paimash Nos.29 to 38, admeasuring Acs.819.72 cents, and classified as unassessed waste. An intimation is said to have been received from the 1st respondent, to enter the land in the Prohibition Order. It is also stated that uncertainty, as to identification of the land, exists.

Heard the learned counsel for the petitioners, learned Government Pleader for Forests, and learned Government Pleader for Revenue.

The petitioners are yet to acquire any rights over the land in question. Assuming that the land was donated to Bhoodan Yagna Board and it stood vested in that agency, the fact remains that a Notification under Section 4 of the A.P. Forest Act has been issued, way back in the year 1961. Section 7 of that Act mandates that no rights can accrue, in favour of any person, as regards the land notified under Section 4. Such state of affairs would continue till a Final Notification is issued, under Section 15 of the Act. This procedure cannot be continued for decades together. Though the petitioners do

not claim any rights individually in themselves, a publication of a Final Notification, under Section 15 of the Act, would bring about a clear picture. Another dispute is about the location. The 3rd respondent has pointed out that there was lack of cooperation from the Department of the Forest, in this regard.

For the foregoing reasons, the writ petition is disposed of, directing that the Forest Settlement Officer shall conclude the proceedings, in relation to the lands in question, within a period of six months, from the date of receipt of a copy of this order, duly following the prescribed procedure. In the meanwhile, the localization and demarcation of the land also shall be completed, with the participation of the officials of the Revenue and Forest Departments. There shall be no order as to costs.

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29th August 2007

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